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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
88/962,032	10/31/97	CHAPMAN, D.	

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PM51/0329

BUCKLEY, M. EXAMINER

ART. UNIT	PAPER NUMBER
3541	6

03/29/99

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

8/962032

Applicant(s)

CHAPMAN

Examiner

BUCKLEY, D

Group Art Unit

3641

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/23/98
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 21-40 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 21-40 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 21-40 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. The claims list the elements without a function, and if a function exists, it's written in the negative sense, stating what it doesn't do as opposed to what it does. In general, the claims do not define a complete operative device.

2. The following claims are drafted by the examiner and considered to distinguish patentably over the art of record in this application and are presented to applicant for consideration:

Drafted claims:

41.) In a firearm having a trigger, triggerbar, trigger return spring and a firing element; a passive safety mechanism comprising:

a.) a blocking means to block said firing element, align said triggerbar, and position said trigger return spring; and

b.) a connecting means for connecting said trigger to said triggerbar and said blocking means to said trigger;

wherein normal operation of said firearm is precluded when either said blocking means or said connecting means are removed.

42.) The firearm of claim 41 wherein said connecting means is a slidable link.

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43.) The firearm of claim 41 wherein said connecting means provides pivot means for said triggerbar.

44.) The firearm of claim 41 wherein said trigger return spring acts upon said trigger indirectly via said triggerbar.

45.) The firearm of claim 41 wherein said firearm has a frame and the blocking means is located in a frame recess accessible from the rear of the firearm.

46.) The firearm of claim 45 wherein said blocking means is substantially the same transverse width as said recess.

47.) The firearm of claim 41 wherein said firearm has a positive stop means that limits the maximum downward position of said blocking means.

48.) The firearm of claim 47 wherein said positive stop means is a mandrel for a torsion spring.

49.) The firearm of claim 41 wherein said trigger return spring comprises a torsion spring which effects translation and rotation of said triggerbar.

If applicant accepts these claims, he may submit them by amendment and cancel claims 21-40.

3. It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a **cursory review by the examiner**, compliance with the requirement of a showing under 37 CFR 1.116(b) is expected in all amendments

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after final rejection. An amendment filed at any time after final rejection but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (1) remove issues for appeal, and/or (2) **adopt examiner suggestions**.

4. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below. If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$ 150.00.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier. A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing, whichever is longer, of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

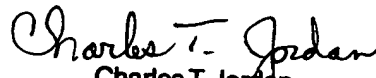
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise J Buckley whose telephone number is (703) 305-0041.



DJB

March 25, 1999



Charles T. Jordan
Supervisory Patent Examiner
Group 3600